

NOTICE OF COMMENT PERIOD
and
PROPOSED RULE AMENDMENTS FOR COMMENT

The Nebraska Supreme Court Technology Committee submitted to the Supreme Court a proposed rule entitled “Privacy Protection for Filings Made With the Court in Criminal Proceedings.” The Nebraska Supreme Court invites interested persons to comment on this proposed rule. Anyone desiring to comment on the proposed rule should do so in writing to the office of the Clerk of the Supreme Court and Court of Appeals, P.O. Box 98910, Lincoln, Nebraska 68509-8910, or via e-mail to lanet.asmussen@nebraska.gov, no later than February 1, 2013.

A copy of the proposed rule is available following this page, or a hard copy may be reviewed in the Office of the Clerk of the Supreme Court and Court of Appeals upon request.

§ 6-14/§ 6-15. Privacy Protection for Filings Made With the Court in Criminal Proceedings.

(A) Redacted Filings. In any electronic or paper filing with the court that contains an individual's Social Security number (SSN); a taxpayer identification number (TIN); a date of birth; the name of an individual known to be a minor; or a financial account number, a party or nonparty making the filing may include only the following, unless the court orders otherwise:

- (1) a reference to SSN or TIN (no digits);
- (2) the year of the individual's birth;
- (3) the minor's initials;
- (4) the last four digits of the financial account number.

(B) Exemptions From the Redaction Requirement. The redaction requirement does not apply to the following:

- (1) the date of birth of a defendant or person subject to detention;
- (2) the name of a defendant or person subject to detention;
- (3) a financial account number or real property address that identifies the property allegedly subject to forfeiture in a forfeiture proceeding;
- (4) the record of an administrative or agency proceeding;
- (5) the record of a court or tribunal, if that record was not subject to the redaction requirement when originally filed;
- (6) a filing covered by subsection (C).

(C) Filings Made Under Seal. The court may on its own motion, or for good cause shown, order that a filing be made under seal without redaction. The court may later unseal the filing or order the person who made the filing to file a redacted version for the public record.

(D) Protective Orders. For good cause, the court may by order in a case:

- (1) require redaction of additional information; or
- (2) limit or prohibit a nonparty's remote electronic access to a document filed with the court.

(E) Option for Additional Unredacted Filing Under Seal. A person making a redacted filing may also file an unredacted copy under seal. The court must retain the unredacted copy as part of the record.

(F) Option for Filing a Reference List. A filing that contains redacted information may be filed together with a reference list that identifies each item of redacted information and specifies an appropriate identifier that uniquely corresponds to each item listed. The list must be filed under seal and may be amended as of right. Any reference in the case to a listed identifier will be construed to refer to the corresponding item of information.